

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

CIVIL NO. 12-2039 (GAG)(PG)

Plaintiff,

v.

COMMONWEALTH OF PUERTO RICO,
et. al.

Defendants.

**MOTION TO INFORM STATUS ON COMPLIANCE WITH PARAGRAPH 13 OF THE
AGREEMENT AND SEEKING ENFORCEMENT OF PARAGRAPH 269**

TO THE HONORABLE COURT:

COME NOW the Commonwealth of Puerto Rico and the Puerto Rico Police Bureau, through the undersigned counsel, and respectfully allege and pray as follows:

1. Pursuant to Paragraph 13 of the Agreement, the PRPB agreed to conduct a staffing allocation and resource study that assesses the appropriate number of sworn and civilian personnel that perform the different department functions necessary to fulfill its mission. (See Docket 60, ¶13)
2. Furthermore, Paragraph 13 states that the study shall form the basis for a staffing and resource allocation plan that is consistent with community-oriented policing principles and supports the systematic use of partnerships and problem-solving techniques. To foster community-oriented policing, the plan shall consider deployment practices that offer officers opportunities to serve the communities in which they reside. (See Docket 60, ¶13)

3. This requirement is contemplated in the Action Plans that PRPB submitted to this Court as part of its commitment to further the reform process. Specifically, the Action Plan states the following: Conduct a study of PRPD human resources, taking into consideration their status and the operational and administrative work performed by employees in order to identify existing needs and subsequently in decision-making. (See Docket 50-1, p.24)
4. On May 7, 2018, the company V2A, who was hired by PRPB to conduct the staffing study, submitted its report. At the moment, the Commonwealth and PRPB are examining the content of the staffing study. However, after a brief glance of the content of the staffing study, it can be easily appreciated that there is sensitive information of the PRPB in the report that should not be made public.
5. On April 19, 2018, the Court set the date of **May 16, 2018, at 10:00 a.m.** for a ninety (90) minute presentation by V2A as to its conclusions of the personnel study, which shall be conducted as per paragraph 13 of the Agreement. The Court further ordered that a hearing “be held at the Old San Juan Courthouse in a court hearing open to the public. The parties were invited to present proposed questions to the Court on the study.” (See Docket 816)
6. As a result of the hearing being public, it is important that the Commonwealth and PRPB have enough time to identify in the study and in the presentation what content is non-public and, thus, requiring that such non-public content be protected and not subject to public scrutiny, more so when the PRPB is yet to determine whether it will adopt, in part or in whole, the recommendations in the study.

7. Paragraph 269 of the Agreement states that The TCA and DOJ shall maintain confidential all non-public information provided by PRPD, UCCJ, or any other agency of the Commonwealth of Puerto Rico, pursuant to this Agreement. Other than as expressly provided in this Agreement, this Agreement shall not be deemed a waiver of any privilege or right PRPD, UCCJ, or any other agency of the Commonwealth of Puerto Rico may assert, including those recognized at common law or created by statute, rule, or regulation, against any other person or entity with respect to the disclosure of any document. (See Docket 60, ¶269)
 8. Therefore, the Commonwealth and the PRPB will be meeting with V2A so as to assess the content of the Study and the Presentation and identify what information is non-public therein.
 9. Consequently, on or before May 14, 2018, the PRPB will share with the Court and the USDOJ, a redacted version of the Study and the Presentation so that it can be part of the Public Hearing on May 16, 2018, as redacted. A complete, non-redacted version of the Study and the Presentation will be made available to the USDOJ and TCA.
 10. If the Court deems necessary, an in-chamber hearing may be held to discuss the non-public-redacted content of the Study and Presentation.
- WHEREFORE**, it is respectfully requested from this Honorable Court to take notice of the above stated and allow until May 14, 2018 to assess and identify the portions of the report and presentation that are sensitive in nature and, thus, should be redacted and protected from public scrutiny pursuant to the confidentiality provisions of paragraph 269..

I HEREBY CERTIFY that on this same date, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to all attorneys of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on May 8, 2018.

WANDA VÁZQUEZ GARCED
Secretary of Justice

WANDYMAR BURGOS VARGAS
Deputy Secretary in Charge of
Litigation
Department of Justice

SUSANA PEÑAGARÍCANO BROWN
Director of Federal Litigation
and Bankruptcy Division

S/JOEL TORRES ORTIZ
Joel Torres Ortiz
U.S.D.C. NO. 302311
Federal Litigation Division
Department of Justice

P.O. Box 9020192
San Juan, P.R., 00902-0192
Tel. (787) 721-2900, ext. 2647,2650,2624,2606
Fax (787) 723-9188
joeltorres@justicia.pr.gov